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8 **UNITED STATES DISTRICT COURT**  
9 **FOR THE DISTRICT OF NEVADA**

10 BANK OF AMERICA, N.A.,

11 Plaintiff,

12 vs.

13  
14 OPERTURE INC., a corporation; BRIDGER  
15 INVESTMENT LLC, a Nevada limited liability  
16 company; GEORGE PETER LEE; ALESSI &  
17 KOENIG, LLC, a Nevada limited liability  
18 company; INDIGO HOMEOWNERS'  
19 ASSOCIATION, a Nevada non-profit  
20 corporation; and DOES I through X, and ROE  
21 CORPORATIONS I through X, inclusive,

22 Defendants.

Case No.: 2:16-cv-01692-APG-GWF

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY DEADLINES**

**(FIRST REQUEST)**

23 Pursuant to Local Rules 6-1 and 26-4, Plaintiff, BANK OF AMERICA, N.A. ("BANA"),  
24 through its counsel of record, Aaron D. Lancaster, Esq., GEORGE PETER LEE ("Mr. Lee"),  
25 through its counsel of record, Andrew P. Dunning, Esq. and INDIGO HOMEOWNERS  
26 ASSOCIATION ("HOA"), through its counsel of record T. Chase Pittsenbarger, Esq., submit  
27 this Stipulation and Order to extend discovery by one hundred and eighty (180) days. This is the  
28 parties' first request for an extension.

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1 The following discovery has been completed:

2 (1) Plaintiff served its Initial Disclosures on December 5, 2017.

3 (2) HOA served its Initial Disclosures on March 28, 2018.

4 (3) HOA served its Interrogatories, Request for Admissions, and Request for Production of  
5 Documents upon BANA on February 26, 2018.

6 (4) BANA served its Responses to HOA's Requests for Admission on March 13, 2018.

7 (5) BANA served its Responses to HOA's Plaintiff's Interrogatories and Requests for  
8 Production of Documents on March 16, 2018.

9  
10 **C. SPECIFIC DESCRIPTION OF DISCOVERY THAT REMAINS TO BE**  
11 **COMPLETED.**

12 (A) Depositions. Parties anticipate taking the deposition of Plaintiff, Mr. Lee, HOA, Operture  
13 Inc., Bridger Investment LLC, and Alessi & Koenig, LLC. Additional deponents may be  
14 identified through the discovery process.

15 (B) Written Discovery. (1) Mr. Lee's Initial Disclosures, (2) BANA's Interrogatories,  
16 Requests for Admission and Request for Production of Documents upon HOA, (4)  
17 BANA's Interrogatories, Requests for Admission and Request for Production of  
18 Documents upon Mr. Lee, (4) subpoena duces tecum to Operture Inc. and Bridger  
19 Investment LLC, (5) subpoena duces tecum to Alessi & Koenig, LLC, and (6) Mr. Lee's  
20 written discovery requests.

21 The parties reserve the right to participate in additional discovery during the time frames  
22 outlined below should the need arise.

23  
24 **D. REASONS WHY THE DISCOVERY REMAINING WILL NOT BE**  
25 **COMPLETED WITHIN THE TIME FRAMES SET BY THE DISCOVERY**  
26 **ORDER.**

27 BANA did not complete discovery because on February 7, 2018, this Court entered an  
28 Order Granting Motion for Default Judgment [ECF No. 45], against Defendants George Peter

1 Lee and Bridger Investment LLC. After the entry of the Order Granting Motion for Default  
 2 Judgment counsel made an appearance on behalf of the Defendant George Peter Lee [ECF No.  
 3 46]. If the Court sets aside the Default Judgment against Mr. Lee, the parties request that the  
 4 Stipulation and Order Limited Stay as to Claims Asserted Against Indigo Homeowners'  
 5 Association [ECF No. 53] entered by the Court on March 28, 2018 be lifted.

6 Accordingly, the parties seek an extension of the discovery deadlines to complete the  
 7 above set forth discovery. Good cause and excusable neglect exists to extend discovery in this  
 8 action because the of the Order Granting Motion for Default Judgment [ECF No. 45], against  
 9 Defendants George Peter Lee and Bridger Investment LLC and the subsequent setting aside of  
 10 the Default Judgment as to Mr. Lee.

11 This extension will not unduly delay the progress of this case, but rather will allow the  
 12 parties to further explore settlement options, coordinate discovery given the current scheduling  
 13 conflicts and seek discovery.  
 14

15 The parties submit this stipulation in good faith and without the purpose of undue delay.

16 **E. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY**

17 (A) Discovery Cut-Off Date: October 31, 2018

18 (B) Amending the Pleadings and Adding Parties: August 2, 2018

19 (C) Initial Experts: September 4, 2018

20 (D) Rebuttal Experts: October 1, 2018

21 (E) Dispositive Motions: November 30, 2018

22 (F) Pre-Trial Order: January 2, 2019.

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1       **F. CURRENT TRIAL DATE.**

2       This case has not yet been set for trial.

3  
4       MAY 21, 2018

MAY 21, 2018

5       WRIGHT FINLAY & ZAK

LEACH JOHNSON SONG & GRUCHOW

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11       Plaintiff, Bank of America, N.A.

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12       May 21, 2018

13       SCHWARTZ FLANSBURG

14       By: /s/ Andrew Dunning  
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18       Attorneys for Defendant George Peter  
19       Lee

20  
21       **ORDER**

22       **IT IS SO ORDERED.**

23       Dated this 23 day of May, 2018.



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25       UNITED STATES MAGISTRATE JUDGE